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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/788,339 | 02/21/2001 | Sadaji Tsuge | P107336-00018 | 1063 |

7590 05/17/2005

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| EXAMINER |
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DIAMOND, ALAN D

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| ART UNIT | PAPER NUMBER |
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1753

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| <i>Advisory Action Before the Filing of an Appeal Brief</i> | Application No. 09/788,339 | Applicant(s) TSUGE, SADAJI | |
| | Examiner Alan Diamond | Art Unit 1753 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 03 May 2005. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1,2,4,5 and 7.

Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

Note in JP '791's paragraph 0024 that it is taught that on one principal plane of the crystalline silicon substrate (11), there is laminated an i-type a-Si layer (12) and p-type a-Si layer (13). It is also taught that on the principal plane on another side of the crystal silicon substrate (11) there is laminated i-type a-Si layer (16) and n-type a-Si layer (17). JP '791 does not require said one principal plane on which the i-type a-Si layer (12) and p-type a-Si layer (13) to be the front surface. JP '791 exemplifies the front surface and recites "(front surface)" in parenthesis, but does not require said one principal plane to be the front surface. Likewise, JP '791 is not limited to said principal plane on another side being the rear surface. Indeed, in JP '791's Figures 1, 5, and 6, light is received through both the glass (3) and the PET (4) and is internally reflected by both the glass (3) and PET (4). A skilled artisan preparing a solar cell module readily recognizes that the solar cells (1) in Figures 1, 5, and 6 are receiving light at the back side in said Figures by the transmittance of light through the PET layer (4) and by the reflection of light that enters through glass (3) between the solar cells and is reflected by the PET layer. Nowhere does JP '791 require that there is more incident light from any one side. As clearly seen in said Figures, JP '791's module is designed so that light enters from both sides of the module. Since JP '791 is not limited as to which side is one principal plane and another principal plane, and light enters through both the glass (3) and the PET (4), then, in the absence of anything unexpected, it would have been well within the skill of an artisan to have positioned JP '791's solar cells such that said p-type a-Si layer is closer to the PET layer, i.e., said principal layer is the rear face of the solar cell.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____



Application No.
Alan Diamond
Primary Examiner
Art Unit: 1753